

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JIMMY NACE,


Defendant.

Case No. CR-21-198-RAW

ORDER

The Defendant, a non-Indian, is charged in this case with the murder of Bobby Joe Dalpoas, an Indian, in Indian Country. Now before the court is the Defendant's motion in limine to exclude character evidence, including evidence of prior convictions and substance abuse [Docket No. 98]. The Defendant requests that the court order the Government to direct their witnesses to refrain from mentioning the Defendant's prior criminal history or his suspected substance abuse, as it is inadmissible character evidence without an approved reason for admission. The Government informed the Defendant and now informs the court that it will not offer any evidence of the Defendant's criminal history or prior substance abuse history in its case-in-chief, but the Government may move for its admission to rebut any character evidence offered by the Defendant pursuant to Rules 404(a) and 405(a), to impeach the Defendant in the event he testifies pursuant to Rule 609, or to otherwise rebut defensive theories advanced at trial. The motion [Docket No. 98], therefore, is MOOT at this time.

IT IS SO ORDERED this 17th day of February, 2022.


THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA